IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 950 of 2005

Shadab Qureshi .. Appellant

versus

The Municipal Corporation of

Gr.Bombay .. Respondents

...

Mr.P.G. Sawant for the appellant.

Ms.Geeta Jogalekar for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 20th October 2005

P.C.:

1. This appeal arises from the order dated 30th September 2005 whereby the learned Judge of the City Civil Court declined to pass any ad-interim order in Notice of Motion no.35007 of 2005 filed in L.C. Suit no.3901 of 2005.

2. The respondent Corporation had issued notice dated 16th August 2005 under section 354A of the

Mumbai Municipal Corporation Act 1888 calling upon the plaintiff to stop the construction work as undertaken of the structure admeasuring 15'' x 14'. The learned counsel for the appellant plaintiff states that the said construction is yet to be completed.

3. Notice of Motion was made returnable on 13th October 2005 and the learned counsel for the plaintiff on instructions states that the Notice of Motion is scheduled to come up before the trial Court on 24th October 2005.

4. The appeal is therefore disposed of by directing the parties to maintain status quo as at present in respect of the notice structure until 24th October 2005.

B.H. MARLAPALLE, J